

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

**EMISSIVE ENERGY CORPORATION**  
**Plaintiff**

**VS.**

**C.A. NO. 09-567S**

**SPA-SIMRAD, INC., d/b/a SPA-DEFENSE,  
d/b/a SPA TACTICAL, d/b/a SOUTHERN  
PRECISION ARMORY,**  
**Defendant**

**MOTION TO DISMISS**

Now comes Defendant Spa-Simrad, Inc., d/b/a Spa Defense, d/b/a Spa Tactical, d/b/a Southern Precision Armory (hereinafter referred to as “Spa-Defense”), to move to dismiss Plaintiff’s Complaint for lack of personal jurisdiction under Rule 12(b)(2), Federal Rules of Civil Procedure, and based on immunity under 28 U.S.C. Section 1498, and for the reasons set forth in the accompanying Memorandum of Law.

Defendant, Spa-Simrad, Inc.,  
by its Attorney,

/s/Harris K. Weiner  
Harris K. Weiner, Esq. #3779  
Salter McGowan Sylvia & Leonard, Inc.  
321 South Main Street, Suite 301  
Providence, Rhode Island 02903  
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**Certification**

I hereby certify that a copy of the within Stipulation was delivered electronically to Craig M. Scott, Esq., and Christine K. Bush, Esq., Scott & Bush, Ltd., 30 Kennedy Plaza, 4<sup>th</sup> Floor, Providence, RI 02903 on this 25th day of January, 2010.

/s/Harris K. Weiner